



## RESOLUTION

A RESOLUTION OF THE BOARD OF EDUCATION OF DOUGLAS COUNTY SCHOOL DISTRICT RE-1 TO RESCIND THE CHOICE SCHOLARSHIP PROGRAM AND THE SCHOOL CHOICE GRANT PROGRAM; TO REPEAL ALL POLICIES AND POLICY REVISIONS SPECIFICALLY RELATING TO THE CHOICE SCHOLARSHIP PROGRAM AND THE SCHOOL CHOICE GRANT PROGRAM; AND TO DIRECT THE BOARD PRESIDENT AND/OR THE INTERIM SUPERINTENDENT TO END THE LITIGATION CHALLENGING THE CHOICE SCHOLARSHIP PROGRAM

WHEREAS, on March 15, 2011, the Board of Education (“Board”) of Douglas County School District RE-1 (“District”) adopted the *Resolution of the Board of Education School District, RE-1 in Support of the District Strategic Plan and Approval of the Blueprint for Choice Including Revisions to Policy JCA/JFB, Assignment of Students and Schools and Open Enrollment and New Policy JCB, School Choice Scholarship Program* (the “Program Resolution”), which created the Choice Scholarship Program to award taxpayer-funded scholarships to qualifying School District students to attend private schools inside and outside Douglas County; and

WHEREAS, before the Choice Scholarship Program was implemented, a group of concerned citizens filed suit against the District alleging that the Choice Scholarship Program violated Colorado law (the “Litigation”); and

WHEREAS, on March 15, 2016, the Board adopted revisions to Policy JCB and changed the name of the Program to the School Choice Grant Program (together with the Choice Scholarship Program, the “Programs”); and

WHEREAS, on November 15, 2016, the Board rescinded the School Choice Grant Program; and

WHEREAS, the Litigation is currently on remand to the Colorado Supreme Court, where the District’s brief in defense of the Choice Scholarship Program is due on December 18, 2017; and

WHEREAS, the Board believes it is in the best interest of the District to end the Programs and the Litigation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF DOUGLAS COUNTY SCHOOL DISTRICT RE-1, IN THE COUNTY OF DOUGLAS AND THE STATE OF COLORADO AS FOLLOWS:

**Section 1. Rescission of Program Resolution and Repeal of Policies.** That the Board hereby (a) rescinds the Program Resolution; (b) repeals new Policy JCB; (c) repeals all revisions to Policies JCA-JFB and JCA-JFB-R that specifically relate to the Program Resolution

or the Programs; (d) repeals any other policies specifically relating to the Program Resolution or the Programs; and (e) withdraws all strategic plans, summaries, and guidance issued by the District and specifically relating to the Program Resolution or the Programs.

**Section 2. Authorization.** That the Board hereby authorizes and directs the Board President and/or the Interim Superintendent, in consultation with District legal counsel, to take all action necessary to end the Litigation in a cost-efficient and timely manner. The Board further authorizes and directs the Board President and/or the Interim Superintendent to execute and deliver for and on behalf of the District any and all documents and other papers, and to perform all other acts that he or she may deem necessary or appropriate and which are in conformity with the purposes and intent of this Resolution.

**Section 3. Ratification of Actions.** All action heretofore taken by the Board and not inconsistent with the provisions of this Resolution are hereby ratified, approved, and confirmed.

**Section 4. Severability.** If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

**Section 5. Repealer of Measures.** All acts, orders, resolutions or parts thereof, in conflict with this Resolution are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, or part thereof heretofore repealed.


**Section 6. Effectiveness.** This Resolution shall take effect immediately upon its passage.

Adopted this 4<sup>th</sup> day of December, 2017.

DOUGLAS COUNTY SCHOOL  
DISTRICT RE-1

By:   
David Ray, President

Attest:

  
Krista Holtzmann, Secretary